

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARREN MOORE,

Plaintiff,

v.

CITY OF DETROIT, et al.,

Defendants.

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Case No. 10-cv-11824

HONORABLE STEPHEN J. MURPHY, III

**ORDER GRANTING DETROIT POLICE  
DEPARTMENT'S MOTION TO DISMISS** (docket no.4)

The Detroit Police Department moved to dismiss itself from this 42 U.S.C. § 1983 and Michigan tort action on the basis that it is not a proper entity to be sued under both state and federal law. The Court agrees. Under well-established Sixth Circuit law, a police department is a mere agency of a city, and as such, cannot properly be included as a separate defendant from the city in a § 1983 action. *Boykin v. Van Buren Twp.*, 479 F.3d 444, 450 (6th Cir. 2007). In addition, Michigan cases hold that "city departments," including the police department, are not liable in tort. *Haverstick Enterp., Inc. v. Fin. Fed. Credit, Inc.*, 32 F.3d 989, 992 n.1 (6th Cir. 1994); *McPherson v. Fitzpatrick*, 63 Mich. App. 461, 464 (1975). Because the City of Detroit is properly joined to this lawsuit, all of Moore's claims relating to policies in the Detroit Police Department can be fully addressed in this suit. Dismissing the police department from the action is, more or less, a technical formality.

**WHEREFORE**, it is hereby **ORDERED** that the Detroit Police Department's motion to dismiss (docket no. 4) is **GRANTED**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III

United States District Judge

Dated: February 15, 2011

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 15, 2011, by electronic and/or ordinary mail.

Carol Cohron  
Case Manager